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BERNHEIMER ARCHITECTURE

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3.22.2018

*Via Courier, Certified Mail (Return Receipt Requested) and Email*

Mr. John Shams  
Scorpion Fitness  
325 Fifth Avenue  
New York NY 10016

Re: **TERMINATION OF BA SERVICES EFFECTIVE IMMEDIATELY AND WITHDRAWAL FROM PROJECT EFFECTIVE THIRTY (30) DAYS AFTER NOTICE TO THE NYC DOB**; AIA Document B105 - 2007, Standard Form of Agreement between Owner and Architect (as modified by the parties, the "Contract"), between Scorpion Fitness Inc. ("Owner") and Bernheimer Architecture PLLC ("BA"), with respect the Scorpion Fitness project located at 220 Fifth Avenue, NY, NY ("Project")

Dear John:

Due to Owner's continued breach of the Contract for nonpayment and repudiation of its other payment obligations, BA has no choice but to terminate its services, effective immediately, and withdraw from the Project. BA provided Owner with multiple opportunities to cure its payment default (the latest opportunity offered in BA's February 26, 2018 letter, an extra copy of which is attached hereto), but Owner has continued to expect and demand that BA work for free. Accordingly, BA today is delivering to the NYC DOB a notice of intent to withdraw from the Project, effective thirty (30) days thereafter (April 22, 2018).

Per Article 3 of the Contract, Owner's right to use BA's construction drawings and other instruments of service for the Project (together with its contractors, engineering consultants and any others) is terminated immediately. Owner (and all others) shall cease and desist any continued use of BA's instruments of service, and all work on the Project should stop immediately.

Sincerely,



Andrew Bernheimer FAIA  
Principal, Bernheimer Architecture

Cc: Neal M. Magnus (via email)  
Massimo D'Angelo (via email)  
Andy Robinson, KLH (via email)  
Peter Bryant, IDDC (via email)  
Stellar Management (via email)